

**IN THE SPECIFICATION:**

Amend the specification as follows:

Delete the paragraph on page 6, spanning lines 4-15 and insert the following therefor:

Coding sequences, or genes essentially encoding the same protein but isolated from different sources, can consist of substantially divergent nucleic acid sequences. Reciprocally, substantially divergent nucleic acid sequences can be designed to effect expression of essentially the same protein. These nucleic acid sequences are the result of e.g. the existence of different alleles of a given gene, or of the degeneracy of the genetic code or of differences in codon usage. Thus, amino acids such as methionine and tryptophan are encoded by a single codon whereas other amino acids such as arginine, leucine and serine can each be translated from up to six different codons.

Preferred codon usage of various organisms can be found on the internet at URL:kazusa.or.jp/codon in http://www.kazusa.or.jp/codon. Allelic variants are further defined as comprising single nucleotide polymorphisms (SNPs) as well as small insertion/deletion polymorphisms (INDELs; the size of INDELs is usually less than 100 bp). SNPs and INDELs form the largest set of sequence variants in naturally occurring polymorphic strains of most organisms.

Delete the paragraph on page 7, spanning lines 25-34 and insert the following therefor:

A "non-monocotyledonous plant" comprises all plant species which belong to the kingdom Plantae as defined by ITIS [the Integrated Taxonomic Information System

(internet URL: [itis.usda.gov/index.html](http://www.itis.usda.gov/index.html) <http://www.itis.usda.gov/index.html>]), including the class of Magnoliopsida but without the class of the Liliopsida (Liliatae, Monocotyledonae). The classes Magnoliopsida and Liliopsida are part of the division Magnoliophyta, which in turn belongs to the subkingdom Tracheobionta. The isolated nucleic acid according to the present invention can be used to drive gene expression in any non-monocotyledonous plant, in particular it is applicable to a dicotyledonous plant including a fodder or forage legume, ornamental plant, food crop, tree, or shrub. Preferred plant species include cotton, potato, tomato, cabbage, sugar beet, soybean, bean, sunflower, peas.